FARAD CONTINUATION SHEET.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION No.1337 of 2005.
IN
SECOND APPEAL St.No. 17530/05

Office Notes,Office Memorandum of Coram apperance,Court's Orders & Directions and Registrar's Order.	Court or Judge's Order.

Shri. Mulla i/b S.M. Kamble
for the Applicants/Appellants.

Shri.S.A. Pawar for Respondent No.1
to 3.

CORAM: S.B.DESHMUKH,J.
DATED: 12.9.2006.

P.C.:-

1] Heard the learned Counsel for the Parties.

2] The Judgment and Decree passed by the First Appellate Court in Regular Civil Appeal No.395 of 2000 is challenged by filing the Second Appeal by the Applicants/ Appellants in this Court.

3] The Second Appeal filed by the Applicants is delayed by about five

months and 15 days. The Applicants have alleged in para no. 6 of the Application that on advise of the Advocate appearing in District Court, certified Copies of the Judgment and Decree were applied on 28th October,2004 and were received by the Applicants on 4th December, 2004. The Applicants herein due to financial difficulties could not file Appeal in this Court within a period of limitation. Therefore, they are seeking condonation of delay of about five months and 15 days.

4] The learned Counsel for the Respondents has filed reply to this Civil Application. Reply,however, is not on record. The learned Counsel for the Respondents submit that reply is filed under Stamp No.3004/06 dated 24.8.2006. Copy is made available by the learned Counsel for the Respondents. Said copy is marked by letter "X" for identification purpose and taken on record. The learned Counsel for the Respondents has

invited my attention to para no. 6 of the Affidavit in Reply wherein it is stated that no cogent and sufficient reasons for condonation of delay in filing the Second Appeal is shown by the Applicants and their approach is very casual.

5] Having considered the submissions of the learned Counsel for the Parties, in my view, delay occurred in filing Second Appeal is satisfactorily explained and bona fide. Even in the Reply filed, mala-fides are not alleged against the Applicants. In this view of the matter, Civil Application is allowed. Delay of five months and 15 days in filing the Second Appeal is condoned.

[S.B.DESHMUKH,J.]